

available to meet. Shortly before each meeting, Mr. Tift contacted counsel for Complainant requesting that the meeting be postponed because he and/or Mr. Oh were no longer available to meet or needed additional time to prepare for the meeting.

On December 21, 2011, counsel for Complainant offered to meet with Mr. Oh and Mr. Tift on December 30, 2011. On December 29th, Mr. Tift informed counsel for Complainant that Mr. Oh was unable to meet on December 30th.

Because of the repeated cancellations of previously scheduled meetings, Complainant has not been able to conduct settlement negotiations with Mr. Oh by telephone or in person. Almost all of Complainant's contacts with Mr. Oh since the filing of the Complaint have been through Mr. Tift. When Complainant's case developer phoned Mr. Oh on December 16th in preparation for the December 20th settlement meeting, Mr. Oh indicated that he would have Mr. Tift contact her. The December 20th settlement meeting was subsequently cancelled because Mr. Oh was no longer available. Mr. Oh also failed to respond to a voicemail message left for him by counsel for Complainant on December 20th. Meanwhile, counsel for Complainant has had several telephone conversations with Mr. Tift concerning the actions Mr. Oh must take to come into compliance with the underground storage tank requirements at the Totem Grocery facility, but such conversations have not involved negotiation of a settlement agreement, nor has Mr. Oh participated in those conversations.

Complainant's attempts to meet with Mr. Oh to negotiate a settlement agreement have thus far been unsuccessful. Therefore, Complainant will proceed with filing its prehearing exchange in accordance with the deadline set forth in the Prehearing Order.

Respectfully submitted this 5th day of January, 2012.



Deborah E. Hilsman
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 10

CERTIFICATE OF SERVICE

I certify that the original of the foregoing Status Report was hand delivered to the Regional Hearing Clerk today for filing and that a true and correct copy was sent to the following by the method indicated below:

By First Class Mail (Pouch) and Email (oaljfilng@epa.gov):

The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Mail Code 1900L
Washington, DC 20460

By First Class Mail and Email (josephoh405@gmail.com and oh.joseph@ymail.com):

Joseph Oh
4905 70th Avenue West
University Place, WA 98467

DATED: Jan. 5, 2012

Sharon Eng
Signature
Print Name: Sharon Eng
Title: Paralegal